

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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HACHETTE BOOK GROUP, INC.,	:	
HARPERCOLLINS PUBLISHERS LLC, JOHN	:	
WILEY & SONS, INC., and PENGUIN RANDOM	:	Case No. 1:20-cv-04160-JGK
HOUSE LLC,	:	
	:	
Plaintiffs,	:	
-against-	:	
INTERNET ARCHIVE and DOES 1 through 5,	:	
inclusive,	:	
Defendants.	:	
	:	
	:	
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**NOTICE OF MOTION OF PLAINTIFFS HACHETTE BOOK GROUP, INC.,
HARPERCOLLINS PUBLISHERS LLC, JOHN WILEY & SONS, INC. AND
PENGUIN RANDOM HOUSE LLC FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that Hachette Book Group, Inc. (“Hachette”), HarperCollins Publishers LLC (“HarperCollins”), John Wiley & Sons, Inc. (“Wiley”) and Penguin Random House LLC (“PRH”) (together, “Plaintiffs”) will move this Court, before the Honorable John G. Koeltl, United States District Judge, Southern District of New York, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Plaintiffs’ motion for summary judgment against Internet Archive with respect to the causes of action set forth in the Complaint for direct and indirect copyright infringement of the Works in Suit.¹ In support of this motion, Defendants rely upon the accompanying (1) Memorandum of Law in Support of Plaintiffs’ Motion for Summary Judgment, (2) Statement of Undisputed Material Facts, (3) Declaration of Jeffrey Weber

¹ Plaintiffs’ motion for summary judgment addresses only Internet Archive’s liability under the causes of action set forth in the Complaint. Plaintiffs will address damages and other remedies at a later stage of this case.

and exhibits annexed thereto, (4) Declaration of Chantal Restivo-Alessi and exhibits annexed thereto, (5) Declaration of Ben Sevier and exhibits annexed thereto, (6) Declaration of Alan Pavese and exhibits annexed thereto, (7) Declaration of Ian Foster and exhibits annexed thereto, (8) Declaration of Sandra Cisneros, (9) Declaration of Tracey Offner and exhibits annexed thereto, and (10) Declaration of Elizabeth McNamara and exhibits annexed thereto.

PLEASE TAKE FURTHER NOTICE that, pursuant to the scheduling ordered entered by this Court on January 21, 2022 (ECF No. 70), opposing papers, if any, must be served upon the undersigned on or before September 2, 2022; and reply papers, if any, must be served on or before October 7, 2021. Any oral argument will occur on a date and at a time designated by the Court.

Dated: New York, New York
July 7, 2022

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